

MINUTES
BOARD OF EXAMINERS
OF CONSTABLES
MEETING
THURSDAY
JULY 18, 2019
10:00 A.M.
TATNALL BUILDING
150 MARTIN L. KING, JR. BOULEVARD SOUTH
ROOM 112
DOVER, DE

I. Call to Order

Lt. Colonel Hudson called the meeting to order at 1004 hours. The meeting was recorded and the Professional Licensing Section will maintain the records.

Introductions were made around the table and room.

The following members of the Board of Examiners were in attendance:

Lieutenant Colonel Monroe B. Hudson, Jr. – Designated Representative
Ralph K. Durstein, III, Esquire
Captain Diane Smith
Mr. John F. Tharan

The following members of the Board of Examiners were absent:

Chiefs of Police Representative – Vacant

The following staff members were in attendance:

Joseph C. Handlon, Esquire
Lieutenant Charles A. Sawchenko – Professional Licensing
Ms. Ashley N. Hughes – Professional Licensing
Ms. Wendy S. Meyers – Professional Licensing
Mr. Michael Terranova – DTCC Representative

The following staff members were absent:

Captain S. Benjamin Parsons – State Bureau of Identification
Sergeant Dana M. Berry – Professional Licensing
Chief Robert Kracyla – DTCC Instructor

The following guests were in attendance:

Mr. Walt Beaupre
Mr. Patrick Williams
Mr. Jeffrey Phillips
Mr. Chris Foraker
Mr. Preston Lewis
Mr. Peter Uhey
Mr. Michael Noel
Ms. Jessie Cathey
Mr. Wayne Leonard
Mr. Anthony Martin
Mr. Raymond Carr
Mr. Tim Winstead
Mr. Vincent Jordan
Mr. Thomas Monahan
Mr. Alan Ellingsworth
Mr. Steve VanVechten
Mr. Charles Woodard
Mr. Jeff Hale
Mr. Joe Aviola

II. Review and Acceptance of Minutes

A. February 28, 2019

Mr. Durstein, with a second by Mr. Tharan, made a motion to approve the minutes from 02/28/19, as presented. The motion was carried.

III. New Commissions

A. A.I. Dupont Hospital for Children

1. Adam E. Almore, Jr

Lt. Col. Hudson, with a second by Mr. Durstein, made a motion to approve A.1. for new Constable Commission. The motion was carried.

2. John Coco

Capt. Smith, with a second by Mr. Tharan, made a motion to approve A.2. for new Constable Commission. The motion was carried.

3. Michael Fletcher

Capt. Smith, with a second by Mr. Tharan, made a motion to approve A.3. for new Constable Commission. The motion was carried.

4. Alfred D. Grandell

Capt. Smith, with a second by Mr. Tharan, made a motion to approve A.4. for new Constable Commission. The motion was carried.

5. Georgia K. Greer

Capt. Smith, with a second by Mr. Tharan, made a motion to approve A.5. for new Constable Commission. The motion was carried.

6. Anthony B. Morales

Capt. Smith, with a second by Mr. Tharan, made a motion to approve A.6. for new Constable Commission. The motion was carried.

B. Bayhealth Medical Center

1. Kyle R. Demarsico

Capt. Smith, with a second by Mr. Tharan, made a motion to approve B.1. for new Constable Commission. The motion was carried.

2. Marvin C. Mailey, Jr

Capt. Smith, with a second by Mr. Tharan, made a motion to approve B.2. for new Constable Commission. The motion was carried.

3. Darrick E. West

Capt. Smith, with a second by Mr. Tharan, made a motion to approve B.3. for new Constable Commission. The motion was carried.

C. Brandywine School District

1. William P. Chapman

Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to affirm the administratively approved transfer of C.1. for new Constable Commission. The motion was carried.

2. David J. Rhoades

- Orientation Overview

Capt. Smith, with a second by Mr. Tharan, made a motion to approve C.2., as presented, for new Constable Commission - pending. The motion was carried.

D. Christiana Care Health System

1. Vincent E. Margherita

Capt. Smith, with a second by Mr. Tharan, made a motion to approve D.1, as presented, for new Constable Commission. The motion was carried.

2. Nicole M. Martone

Capt. Smith, with a second by Mr. Tharan, made a motion to approve D.2, as presented, for new Constable Commission. The motion was carried.

3. William J. Nelson

Capt. Smith, with a second by Mr. Tharan, made a motion to approve D.3, as presented, for new Constable Commission. The motion was carried.

4. Christopher Sutton

- Criminal Code
- Laws of Arrest

Capt. Smith, with a second by Mr. Tharan, made a motion to approve D.4, as presented, for new Constable Commission - pending. The motion was carried.

5. Matthew D. Taylor

Capt. Smith, with a second by Lt. Col. Hudson, made a motion to approve D.5, as presented, for new Constable Commission. The motion was carried.

6. Mark G. Wilhelm

Capt. Smith, with a second by Mr. Tharan, made a motion to approve D.6, as presented, for new Constable Commission. The motion was carried.

E. Delaware State University

1. Jessie Cathey

Lt. Col. Hudson, with a second by Mr. Tharan, made a motion to affirm the administratively approved transfer of E.1. for new Constable Commission. The motion was carried.

2. Mitchell A. Cummings

- MMPI

Lt. Col. Hudson, with a second by Mr. Tharan, made a motion to approve E.2, as presented, for new Constable Commission - pending. The motion was carried.

3. Kevin Hughes

- Criminal Code
- Laws of Arrest
- MMPI

Capt. Smith, with a second by Mr. Tharan, made a motion to approve E.3, as presented, for new Constable Commission - pending. The motion was carried.

4. Russell L. Smith

- MMPI

Lt. Col. Hudson, with a second by Mr. Tharan, made a motion to approve E.4, as presented, for new Constable Commission - pending. The motion was carried.

F. Delaware Technical Community College

1. Michael Capodanno

Mr. Tharan, with a second by Capt. Smith, made a motion to approve F.1, as presented, for new Constable Commission. The motion was carried.

G. Indian River School District

1. Glenn Van Fleet

Lt. Col. Hudson, with a second by Mr. Tharan, made a motion to approve G.1, as presented, for new Constable Commission. The motion was carried.

2. John Justice

Capt. Smith, with a second by Mr. Tharan, made a motion to approve G.2, as presented, for new Constable Commission. The motion was carried.

3. Scott McCarthy

Capt. Smith, with a second by Mr. Tharan, made a motion to affirm the administratively approved transfer of G.3. for new Constable Commission. The motion was carried.

4. Thomas Nealis

Mr. Tharan, with a second by Capt. Smith, made a motion to approve G.4, as presented, for new Constable Commission. The motion was carried.

5. Floyd J. Toomey, Jr

Lt. Col. Hudson, with a second by Mr. Tharan, made a motion to approve G.5, as presented, for new Constable Commission. The motion was carried.

6. Joshua Worrell

Capt. Smith, with a second by Mr. Tharan, made a motion to affirm the administratively approved transfer of G.6. for new Constable Commission. The motion was carried

H. P.T.S. Constable Agency

1. Robert B. Workman
- Constable Exam
 - MMPI

Mr. Durstein, with a second by Mr. Tharan, made a motion to approve H.1, as presented, for new Constable Commission - pending. The motion was carried.

I. RI International

1. Jeffrey C. Phillips

Mr. Tharan, with a second by Capt. Smith, made a motion to approve I.1, as presented, for new Constable Commission. The motion was carried.

J. Sussex County Government

1. Lester R. Shaffer

Mr. Durstein, with a second by Mr. Tharan, made a motion to approve J.1, as presented, for new Constable Commission. The motion was carried.

K. Wilmington University

1. Leonard Aguilar

Mr. Tharan, with a second by Capt. Smith, made a motion to approve K.1, as presented, for new Constable Commission. The motion was carried.

2. Frank Burton, Jr

Lt. Col. Hudson, with a second by Mr. Tharan, made a motion to approve K.2, as presented, for new Constable Commission. The motion was carried.

3. Edwin L. Maxwell

Capt. Smith, with a second by Lt. Col. Hudson, made a motion to approve K.3, as presented, for new Constable Commission. The motion was carried.

4. Mark Papili

Mr. Durstein, with a second by Mr. Tharan, made a motion to approve K.4, as presented, for new Constable Commission. The motion was carried.

IV. New Entities

- A. Ceasar Rodney School District – *Exhibit A*
 - 1. Patrick D. Williams

After discussion, Lt. Col. Hudson, with a second by Capt. Smith, made a motion to approve Ceasar Rodney School District for Constable Positions. The motion was carried.

After discussion in regards to the experience and requirements for a Constable license for Mr. Williams, Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to deny A.1., with the provision that should he submit proof of MMPI and submit to the Constable Academy that he may come before the Board again for possible approval.

V. Terminations/Resignations

- A. A.I. Dupont Hospital for Children
 - 1. Beau Callery
 - 2. Brian Tibbits
- B. Bayhealth Medical Center
 - 1. Radford Garrison
 - 2. Cyrus Kahn
- C. Christiana Care Health System
 - 1. Andrew Brady
- D. Delaware Technical Community College
 - 1. Alvin Boardley
 - 2. Jessie Cathey
 - 3. Alfonzo Dowe
 - 4. Bradley Norris
 - 5. Maurice Thompson
- E. Indian River School District
 - 1. Deborah Ashmead
 - 2. James Taylor
- F. Wilmington University
 - 1. William Chapman
- ***G. Red Clay School District***
 - 1. Robert Setting

Ms. Hughes informed the Board that A – G, inclusive, is for informational purposes only. No vote necessary.

- VI. Issues/Concerns/Pending/FYI
- A. Delaware Technical Community College
1. Andrew Brock
 - Orientation Overview – 02/21/19
 2. Gerald Capasso
 - Constable Exam – 03/18/19
 - Orientation Overview – 03/14/19
 - MMPI – 04/29/19
 3. Kevin Chaney
 - Academy – Proof of Police Academy attendance provided
 - Constable Exam – 5/30/19
 - Orientation Overview – 5/28/19
 - PAI – 5/31/19
 4. Alfred Davis
 - Orientation Overview – 03/22/19
 5. David Jones
 - Orientation Overview – 02/21/19
- C. P.T.S. Constable Agency
1. Mike Fontello
 - Constable Exam – 03/18/19
 - MMPI – 3/21/19
 - Orientation Overview – 3/14/19
- D. RI International
1. John Molitor
 - Constable Exam – 03/19/19
 - Orientation Overview – 3/16/19
 - MMPI
 - Laws of Arrest
 - Employment with RI rescinded – 5/31/19

Ms. Hughes informed the Board that A - D, inclusive, is for informational purposes only. No vote necessary. These were individuals previously approved at various meetings – pending – and have submitted/completed all required documentation and their commissions have been issued.

- VII. Rule 4.0 – Badges & Vehicle Markings
- A. Appoquinimink School District – *Exhibit B*
1. Badge

Mr. Durstein, with a second by Capt. Smith, made a motion to approve A.1, as presented, for Appoquinimink School District. The motion was carried.

- B. Bayhealth Medical Center – *Exhibit C*
1. Vehicle Markings

Lt. Col. Hudson, with a second by Mr. Tharan, made a motion to approve B.1, as presented, for Bayhealth Medical Center. The motion was carried.

- ***C. Caesar Rodney School District – *Exhibit D****
1. Badge

Mr. Durstein, with a second by Mr. Tharan, made a motion to approve C.1, as presented, for Caesar Rodney School District. The motion was carried.

- ***VIII. Rules & Regulations***
- A. Final Publication
1. Rule 1.0 Licensing – *Exhibit E*

Mr. Durstein, with a second by Mr. Tharan, made a motion to approve A.1, as presented, for Final Publication. The motion was carried.

- B. Final Publication
1. Rule 5.0 Firearms – *Exhibit F*

Lt. Col. Hudson, with a second by Mr. Durstein, made a motion to approve B.1, as presented, for Final Publication. The motion was carried.

- IX. Academy/In-Service
- A. Academy

Ms. Hughes presented that the Academy has been completed and resulted in multiple graduations. Mr. Terranova reiterated that the Academy went very well and that there were a total of 14 graduates. Mr. Terranova went on to thank Lt. Col. Hudson and members of Professional Licensing for attending the graduation ceremony.

B. In-Service
1. Live Class

Mr. Terranova stated that the in-service classes to be held this year are as follows: Stanton Campus on August 7th, Owens Campus on August 30th, and Terry Campus on September 27th. He then went over some of the in-service items that will be addressed at each class to include response to resistance, rules and regulations changes, and more. Lt. Col. Hudson then praised Mr. Terranova and Delaware Technical Community College for the success of this year's Academy.

2. Online Class

Ms. Hughes presented that it had been brought to the attention of Professional Licensing by an entity leader that the Board consider revisiting the online in-service training for relevancy. This would be due to the fact that there are increasing numbers of school districts that are coming on board as Constable Entities.

Mr. Terranova stated that he did know of an issue that was brought to his attention last year in regards to Constables handcuffing students and that he did not realize that there is a provision in Title 14 that prevents that since Constables are considered school employees. He went on to say that it is currently in committee for amendment but it did not make it to final session and that hopefully next year this can be completed.

Mr. Terranova also brought up that every year he meets with entity leaders and Professional Licensing to determine any new potential topics for in service training in order to maintain standards. Mr. Durstein asked Mr. Terranova that it may need to be considered that we offer active shooter training with all the current situations. Mr. Terranova did say that he is working on getting that type of training for Constables but there are many different liabilities with the training and that he's working on getting in house trainers for 2020.

Lt. Col. Hudson brought up that we should consider having some type of training for new Constable Entities that are coming into the program; which would address liabilities, and what these entities should be looking for. There are many school districts that are continuing to join the program and that this industry is going to continue to grow. Lt. Col. Hudson mentioned that we should have a training that could be as simple as teaching how to document use of force, firearms training. Mr. Terranova said that another thing the Board should consider is if we should have the in service courses live every year as opposed to the online course every other year; especially considering that some entities have issues with their employees taking the course online.

X. Old Business

A. Professional Licensing

1. Constable Renewals

Ms. Hughes stated it is the request of Professional Licensing that Constable renewals being in early September and be due by October. If recorded oaths/commissions are not received by December 31 each year the license of the Constable will be subject to suspension.

2. Quarterly Meetings

Ms. Hughes reiterated from the last meeting that the Board will now be meeting quarterly as opposed to once a year because the Constable industry is becoming so vast and is continually growing.

3. Recorder of Deeds

Ms. Hughes stated that entities have stated that they have issues getting their employees into the recorder of deeds. Ms. Meyers had done research and found that each county's recorder of deeds does do e-recording which may be of benefit to the entity leaders. Each county does have a different recording fee and the recording can sometimes be completed same day and some take up to a month. Ms. Meyers asked of the Board that once a Constable is terminated or has resigned does she need to get the commission back or can the entity shred the commission in house. Lt. Col. Hudson stated that he would be ok if the agency just shredded the commission.

4. Fingerprinting

Lt. Sawchenko stated that Constables are due for background checks every two years and that the standard is that the Constable comes in and gets fingerprinted again to have that background check completed. He stated that what we would like to try to avoid is having every Constable coming in every 2 years to get fingerprinted but that it seems like the best course of action. Lt. Col. Hudson stated that we could utilize RapBack reporting and that for now Professional Licensing should continue with the fingerprinting process that's currently in place. Lt. Col. Hudson inquired if we have a committee to look into the fingerprinting process and RapBack reporting. Lt. Sawchenko stated that we could convene a work group to look into the easiest possible practice for fingerprinting of Constables.

B. Board Members

The Board Members did not have any New Business at this time.

C. Lieutenant Colonel

Lt. Col. Hudson did not have any Old Business at this time.

XI. New Business

A. Professional Licensing

Professional Licensing did not have any New Business at this time.

B. Board Members

Mr. Durstein announced that he will be retiring before the next Board meeting and that his replacement should be appointed by that time. He was thanked for his time serving on the Board and wished well.

C. Lieutenant Colonel

Lt. Col. Hudson announced that he will be retiring from DSP and the Board and that Major Zebbley would be taking his place on the Boards. He was wished well and thanked for his time on the Board. Lt. Col. Hudson also requested that we add the best practices for training to the Training Committee.

X. Public Comment (At the discretion of the Chair)

A gentleman with Wilmington University inquired further about the determination for law enforcement officers on terminal leave and whether those applications for new Constables would require a law change or if those applications will be taken on a case by case basis. Lt. Col. Hudson stated that the discussion that was held earlier was that for DSP terminal leave the individual no longer has access to sensitive programs and that the person is technically separated from their agency. The gentleman went on to say that there is a challenge to find good Constables and that the individuals on terminal leave are being prevented from becoming Constables. Lt. Col. Hudson stated that we would have to look further into the law and that it depends on how you interpret the law. The final determination was made that terminal leave would be viewed on a case by case basis.

Another gentleman stated that he had a Constable employee that was requesting to be a part time officer and had to tell him no and the employee wanted to know why. Lt. Col. Hudson stated that if you're acting as a police officer and Constable the duties are vastly different. Mr. Durstein brought to the attention that in the statute an active law enforcement officer is prohibited from being a Constable.

XI. Adjournment

A. Next Annual Meeting

1. October 24, 2019

Ms. Hughes stated that Mr. Tharan is unable to attend the October meeting and that she will have to reschedule that meeting date as Mr. Tharan is required to attend meetings.

Mr. Tharan, with a second by Mr. Durstein, made a motion to adjourn the meeting at 11:11am. The motion was carried.